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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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DECLARATION

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As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am an original, first, and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled

**METHOD FOR PERFORMING ENDOLUMINAL FUNDOPLICATION AND  
APPARATUS FOR USE IN THE METHOD**

the specification of which is filed herewith.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by an amendment, if any, specifically referred to in this declaration.

I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

None

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application:

None

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that

these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first joint inventor : **Ronald D. Adams**  
Inventor's signature : *Ronald D. Adams*  
Date : 8/10/00  
Residence : **18 Hillside Drive**  
**Holliston, MA 01746**  
Citizenship : **United States of America**  
Post Office Address: : **Same as above.**

Full name of second joint inventor : **Charles H. Pugsley, Jr.**  
Inventor's signature : *Charles H. Pugsley, Jr.*  
Date : 9/5/00  
Residence : **31 Clark Circle**  
**Pelham, NH 03076**  
Citizenship : **United States of America**  
Post Office Address: : **Same as above.**

**ASSIGNMENT**

WHEREAS, WE,

1) Ronald D. Adams, a U.S. citizen;

residing at

18 Hillside Drive  
Holliston, MA 01746

2) Charles H. Pugsley, Jr., a U.S. citizen;

residing at

31 Clark Circle  
Pelham, NH 03076

(hereinafter also referred to as "the Assignor"); have invented new and useful improvements in **METHOD FOR PERFORMING ENDOLUMINAL FUNDOPLICATION AND APPARATUS FOR USE IN THE METHOD**, for which we are making application for Letters Patent of the United States, said application being filed in the United States Patent and Trademark Office Herewith, Serial Number Unknown; and

WHEREAS, SCIMED LIFE SYSTEMS, INC., organized and existing under and by virtue of the laws of the State of Minnesota, having an office at One Scimed Place, Maple Grove, MA 55311-1566, (hereinafter referred to as "the Assignee"), is desirous of acquiring the entire right, title and interest in and to the application and invention therein described and claimed and any Letters Patent that may be issued upon the application or for the improvements therein contained.

NOW, THEREFORE, in consideration of One U.S. Dollar (U.S. \$1.00) and other valuable consideration furnished by Assignee to us, receipt and sufficiency of which we hereby acknowledge, we hereby, without reservations:

1. Assign, transfer, and convey to Assignee the entire right, title, and interest in and to said inventions and discoveries, said application for Letters Patent of the United States of America, any and all other applications for Letters Patent on said inventions and discoveries in whatsoever countries, including all divisional, renewal, substitute, continuation, and Convention applications based in whole or in part upon said inventions or discoveries, or upon said applications, and any and all Letters Patent, reissues, and extensions of letters Patent granted for said inventions and discoveries or upon said applications, and every priority right that is or may be predicated upon or arise from said inventions, said discoveries, said applications, and said Letters Patent.

2. Authorize Assignee to file patent applications in any or all countries for any or all of said inventions and discoveries in my name or in the name of Assignee or otherwise as Assignee may deem advisable, under the International Convention or otherwise.

3. Authorize and request the Commissioner of Patents and Trademarks of the United States of America and the empowered officials of all other governments to issue or transfer all said Letters Patent to Assignee, as assignee of the entire right, title, and interest therein or otherwise as Assignee may direct.

4. Warrant that we have not knowingly conveyed to others any right in said inventions, discoveries, applications, or patents or any license to use the same or to make, use, or sell anything embodying or utilizing any of said inventions or discoveries; and that we have good right to assign the same to Assignee without encumbrance.

5. Bind our heirs, legal representatives, and assigns, as well as ourselves, to do, upon Assignee's request and at Assignee's expense, but without additional consideration to us or them, all acts reasonably serving to assure that the said inventions and discoveries, the said patent applications, and the said Letters Patent shall be held and enjoyed by Assignee as fully and entirely as the same could have been held and enjoyed by us, our heirs, legal representatives, and assigns if this assignment had not been made; and particularly to execute and deliver to Assignee all lawful application documents including petitions, specifications, and oaths, and all assignments, disclaimers, and lawful affidavits in form and substance as may be requested by Assignee; to communicate to Assignee all facts known to us relating to said inventions and discoveries or the history thereof; and to furnish Assignee with any and all documents, photographs, models, samples, and other physical exhibits in our control or in the control of our heirs, legal representatives, or assigns which may be useful for establishing the facts of our conceptions, disclosures, and reduction to practice of said inventions and discoveries.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 18<sup>th</sup> day of August, 2000.

Ronald D. Adams  
Ronald D. Adams

United States of America )

State/Commonwealth of Massachusetts ) ss.:

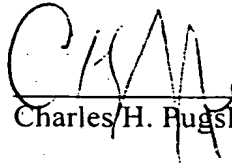
County of Middlesex )

On this 18<sup>th</sup> day of August 2000, before me personally came **Ronald D. Adams**, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged execution of same.

Bonnie L. Benzie

Notary Public

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this \_\_\_\_\_  
day of 9/5, 2000.

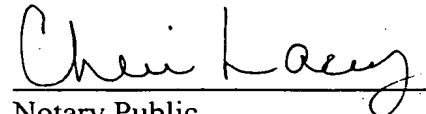
  
Charles H. Pugsley, Jr.

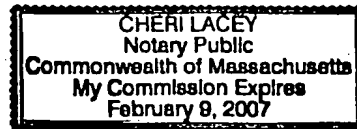
United States of America )

State/Commonwealth of Massachusetts ) ss.:

County of Middlesex )

On this 5<sup>th</sup> day of September, 2000, before me personally came **Charles H. Pugsley, Jr.** to me known to be the individual described in and who executed the foregoing instrument, and acknowledged execution of same.

  
Notary Public



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor(s): R. ADAMS, et al.

Serial No.: To be Assigned

Filing Date: Herewith

For: Method for Performing  
Endoluminal Fundoplication and  
Apparatus For Use In the Method

Group Art Unit: Unknown

Examiner: Unknown

Honorable Commissioner of Patents and Trademarks  
Washington, DC 20231

**GRANT OF POWER OF ATTORNEY PURSUANT TO 37 C.F.R. 3.71**

S I R:


Assignee hereby appoints: Charles R. Brainard (Reg. No. 21,069); Estelle J. Tsevdos (Reg. No. 31,145); M. Lisa Wilson (Reg. No. 34,045); James Prizant (Reg. No. 34,067); Robin Kelley (Reg. No. 34,637); Luke Dohmen (Reg. No. 36,783); Judith Toffenetti (Reg. No. 39,048); Houri Khalilian (Reg. No. 39,546); Robert L. Grabarek, Jr. (Reg. No. 40,625); Kristina Jahns (Reg. No. 41,092); Timothy M. Devlin (Reg. No. 41,706); William M. Merone (Reg. No. 41,993); Paolo M. Trevisan (Reg. No. 45,164); and Fred Grasso (Reg. No. 43,644) to prosecute this application and transact all business in the U.S. Patent and Trademark Office connected therewith. All previous Powers of Attorney in connection with this application are hereby revoked. Please send all correspondence to

Paolo M. Trevisan  
KENYON & KENYON  
1500 K Street, N.W., Suite 700  
Washington, DC 20005

and direct all phone calls to Paolo M. Trevisan at (202) 220-4296.

The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the assignee.

9/19/00  
Date

  
Robert Rauker (Reg. No. 40,782)  
Patent Counsel  
SCIMED Life Systems, Inc.

on behalf of:  
SCIMED Life Systems, Inc.  
Assignee of Record

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
)  
Ronald D. ADAMS et al. ) Group Art Unit: 3731  
)  
Serial No.: 09/675,601 ) Examiner: J. Baxter  
)  
Filed: September 29, 2000 )  
)  
For: METHOD FOR PERFORMING )  
ENDOLUMINAL )  
FUNDOPPLICATION AND )  
APPARATUS FOR USE IN THE )  
METHOD )

Commissioner for Patents and Trademarks  
Washington, DC 20231

Sir:

**REVOCATION OF ORIGINAL POWER OF ATTORNEY, GRANT  
OF NEW POWER OF ATTORNEY, AND CHANGE OF ADDRESS**

Applicants hereby revoke all previous Powers of Attorney in the above action to  
Kenyon and Kenyon and its agents, and hereby grant their power of attorney to  
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., Douglas B.  
Henderson, Reg. No. 20,291; Ford F. Farabow, Jr., Reg. No. 20,630; Arthur S. Garrett,  
Reg. No. 20,338; Donald R. Dunner, Reg. No. 19,073; Brian G. Brunsvold, Reg. No.  
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Laurence R. Hefter, Reg. No. 20,827; Kenneth E. Payne, Reg. No. 23,098; Herbert H.  
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Stephen L. Peterson, Reg. No. 26,325; John M. Romary, Reg. No. 26,331; Bruce C.  
Zotter, Reg. No. 27,680; Dennis P. O'Reilley, Reg. No. 27,932; Allen M. Sokal, Reg. No.  
26,695; Robert D. Bajefsky, Reg. No. 25,387; Richard L. Stroup, Reg. No. 28,478;

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business in the Patent and Trademark Office connected therewith, and to receive the Letters Patent.

Please send all future correspondence concerning this application to Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P. at the following address:

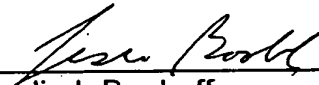
Finnegan, Henderson, Farabow,  
Garrett & Dunner, L.L.P.  
1300 I Street, N.W.  
Washington, D.C. 20005-3315

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: April 30, 2002

By: \_\_\_\_\_

  
Leslie I. Bookoff  
Reg. No. 38,084

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